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PATENT  
Attorney Docket No.: INVIT1100-2

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Hoeffler et al. Art Unit: 1641  
Application No.: 10/035,368 Examiner: L.V. Cook  
Filed: October 26, 2001  
Title: MICROARRAYS AND USES THEREFOR

Commissioner for Patents  
Washington, D.C. 20231

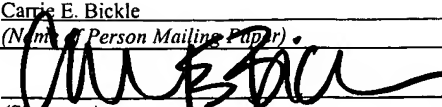
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TRANSMITTAL SHEET

Sir:

Transmitted herewith for the above-identified application please find:

1. Response to the Request to Elect A Species mailed December 18, 2002  
(3 pages); and
2. Return Postcard.

CERTIFICATION UNDER 37 CFR §1.8	
I hereby certify that the documents referred to as enclosed herein are being deposited with the United States Postal Service as first class mail on this date, <b>January 21, 2003</b> , in an envelope addressed to: Commissioner for Patents, Washington, D.C. 20231.	
Carrie E. Bickle (Name of Person Mailing Paper)	
 (Signature)	January 21, 2003 (Date)

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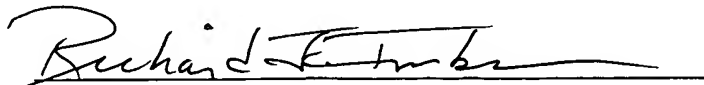
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The Commissioner is hereby authorized to charge any other required fees associated with the filing submitted herewith, or credit any overpayments to Deposit Account No. 50-1355. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

Date: January 21, 2003



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Washington, D.C. 20231

**RESPONSE TO THE REQUEST TO ELECT A SPECIES**

Sir:

Responsive to the Office Action mailed December 18, 2002 (Paper No. 10), in connection with the above-identified patent application, consideration of the following remarks is respectfully requested.

It is stated in the Office Action that the materially different substances/antibodies, set forth as Groups I to IX, are used in the methods of the invention, and that the substances/antibodies are diverse compositions having independent characteristics that are not totally encompassed by all antibodies. As such, it is requested that a polynucleotide encoding one of the species be elected for examination.

Although Applicants traverse the requirement to elect a species for the reasons set forth below, in order to be fully responsive to the Action, Applicants elect the species set forth in Group V, IgG, IgM, IgE or IgA antibodies. It is noted that claims 18, 21 to 24, 48 to 50, 44, and 60 to 70 are readable on the elected species.

The requirement to elect a species is traversed generally with respect to all of Groups I to IX as set forth above in the Office action. Applicants submit that, while the species of antibodies as set forth are independent and patentably distinct, they all share a commonality of operation, function and effect (MPEP § 806.04(e)) with respect to the claimed methods. Specifically, the various

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Carrie E. Bickle

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non-elected antibodies, including the species set forth as uncharacterized antibodies, recombinant antibodies, multispecific/bispecific antibodies, antigen-binding antibody fragments, chimeric antibodies, humanized antibodies, single chain antibodies and diabodies, share with the elected IgG, IgM, IgE, or IgA antibodies the requirement of at least the complementarity determining region of an antibody, which mediates specific binding to a protein. As such, while the various antibodies are independent and patentably distinct, they all share a commonality operation, function, and effect (i.e., specific binding of antigens) and should be examined together.

Furthermore, it is noted that the elected IgG, IgM, IgE or IgA antibodies comprise most known antibody isotypes. As such, the elected antibodies are likely to comprise at least a component of the non-elected species antibodies. For example, the species antigen-binding antibody fragments is merely that portion of the elected antibodies that mediates binding of a protein of a cell lysate as required by the claims. As such, any search of the elected species will reveal references relevant to all of the antibody species set forth in the Office Action.

Since the non-elected species share a commonality of operation, function and effect with the elected IgG, IgM, IgE, or IgA antibodies, and because the claimed methods require that the antibodies bind a protein, a function that is common to all of the antibody species set forth in the Office Action, it is submitted that an election of one species should not be required and that the antibodies set forth in Groups I to IX should be examined together. Accordingly, it is respectfully requested that the Examiner reconsider this election requirement and rejoin and examine the antibodies of Groups I to IV and VI to IX together with the antibodies of elected Group V.

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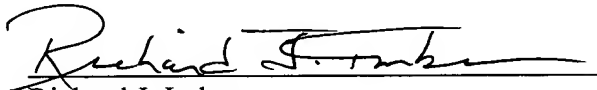
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No fee is deemed necessary in connection with the filing of this Response. However, if any fee is required, the Commissioner is authorized to charge any fee (or credit any overpayment) to Deposit Acct. No. 50-1355.

The Examiner is invited to contact Applicants' undersigned representative if there are any questions relating to this application.

Respectfully submitted,

Dated: January 21, 2003

  
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